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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,468	08/20/2003	Michael D. Kobrehel	DUR-105	8508
23570	7590	09/13/2006	EXAMINER A, PHI DIEU TRAN	
PORTER WRIGHT MORRIS & ARTHUR, LLP INTELLECTUAL PROPERTY GROUP 41 SOUTH HIGH STREET 28TH FLOOR COLUMBUS, OH 43215			ART UNIT 3637	PAPER NUMBER

DATE MAILED: 09/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/646,468	KOBREHEL ET AL.
	Examiner Phi D. A	Art Unit 3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 05 July 2006.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-12, 15 and 16 is/are pending in the application.  
 4a) Of the above claim(s) 4-6 and 9 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-3, 7, 8, 10-12, 15 and 16 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____.<br><br>   | 6) <input type="checkbox"/> Other: _____.                         |

***Response to Amendment***

Claims 4-6, 9 are restricted and withdrawn claims. The claims are treated as having status identifier of "Withdrawn".

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The limitation "the bottom edge of the glazing panel rests on a bottom of the receiving channel" is confusing and indefinite. The claim sets forth the receiving channel section being at top of the opening, and hence the opposing channel section being at a bottom of the opening. Thus, the glazing panel should rest on a bottom of the channel opposite the receiving channel, and not on a bottom of the receiving channel as claimed.

The claim is examined as best understood.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3637

2. Claims 1-3, 7-8, 10-12, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (5131194) in view of Cross et al (2258973)

Anderson (figures 1, 3) shows a plastic glazing panel (acrylic) comprising a generally rectangular glazing panel of transparent plastic (11, 12) having top, bottom and side edges, a retainer frame (10) defined by sections of a perimeter channel forming a corresponding generally rectangular glazing opening, the sections of the channel each having a lip (72-77) together defining an opening of smaller size than the glazing opening so as to retain the panel in the channel, the glazing panel being sufficiently thin and flexible, the receiving channel section having a resiliently compressible element (81') disposed therein allowing sufficient movement upon pushing of another edge of the glazing panel thereagainst so that the glazing panel edge opposite the another glazing panel edge clears the lip of the opposite channel section allowing removal of the glazing panel, but thereafter upon release causes the glazing panel to be repositioned to locate the another edge of the panel at an intermediate depth in the receiving channel section, the element being a bow leaf spring disposed in the bottom of the receiving channel, the receiving channel section is at the bottom of the glazing opening, and further including a positioner element (81') selectively manipulatable to allow lowering of the glazing panel and thereafter hold the glazing panel another edge at an intermediate position in the channel section so that the opposite edge of the panel does not clear the lip of the channel section opposite the receiving channel section, the positioner element comprising a compressible element able to be compressed by pushing the panel another edge thereagainst, and thereafter the glazing panel is released moving the opposite edge of the glazing panel into the one channel section opposite the receiving channel section, a primary glazing panel (12) installed in the frame

adjacent the glazing panel and aligned therewith but spaced to one side, the glazing panel being thinner and made of plastic to comprise a sacrificial glazing panel (inherently can be sacrificial panel), the glazing panel is sufficiently thin and flexible to enable insertion and removal of the glazing panel into and out of the channel sections without deforming the retainer frame (col 2 lines 1-4 discloses the pane being flexible; as the panes are flexible, they certainly can function as claimed when installed).

Anderson does not show the receiving channel section being deeper than an opposite channel section.

Cross et al shows a receiving channel section (figure 9 the channel where part 8 is) being deeper than an opposite channel section to enable the easy and secured mounting of the glazing panel in the channels.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Anderson's structure to show the receiving channel section being deeper than an opposite channel section because it would allow for the easy and secured mounting of the glazing panel in the channels as taught by Cross et al.

3. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (5131194) in view of Gasteuger (3720026).

Anderson (figures 1, 3) shows a plastic glazing panel (acrylic) comprising a generally rectangular glazing panel of transparent plastic (11, 12) having top, bottom and side edges, a retainer frame (10) defined by sections of a perimeter channel forming a corresponding generally rectangular glazing opening, the sections of the channel each having a lip (72-77) together defining an opening of smaller size than the glazing opening so as to retain the panel in the

channel, the glazing panel being sufficiently thin and flexible to be able to be easily bowed so as to allow opposite edges of the glazing to be drawn together sufficiently to be able to be passed by the lips of opposite sections of the channel and allow another edge of the glazing panel to be received in a receiving channel section extending along the glazing opening (col 2 lines 1-4 discloses the pane being flexible; as the panes are flexible, they certainly can function as claimed when installed).

Anderson does not show the receiving channel section being deeper than an opposite channel section, the receiving channel section is at top of the glazing opening, and the bottom edge of the glazing panel rests on a bottom of the channel opposite the receiving channel.

Gasteiger discloses receiving channel section (figure 2, channel with spring 40) being deeper than an opposite channel section (52), the receiving channel section is at top of the frame opening, and the bottom edge of the panel rests on a bottom of the channel (52) opposite the receiving channel.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Anderson's structure to show the receiving channel section being deeper than an opposite channel section, the receiving channel section is at top of the glazing opening, and the bottom edge of the glazing panel rests on a bottom of the channel opposite the receiving channel because it would allow for the easy and secured mounting of the panel in the channels as taught by Gasteiger.

***Response to Arguments***

4. Applicant's arguments filed 7/5/06 to claims 1-3, 7, 8, 10-12 have been fully considered but they are not persuasive.

Applicant states that Anderson et al not disclosing the panes being flexible enough so that the panes can be resiliently bowed for insertion into opposite sections of the recesses, examiner would like to point out the following. First of all, the claims are to an installation/structure, not method claims. The language in the claims clearly sets forth the claims being a structural claims, not method claims. Secondly, Anderson discloses the glazing panes are of acrylic plastic and flexible. Anderson's teaching is to the insertion of the glazing panels in channels. By looking at the teaching of Anderson as a whole, one of ordinary skill in the art would surmise that when the panels are inserted and bending/bowing is needed, the panels will be bent to fit into the channels as needed. Anderson's structure thus inherently can function to be installed as claimed by flexing and bowing per the flexibility of the window panels. Thirdly, Anderson as modified by Cross et al shows the deeper channel as claimed. Anderson as modified shows all the claimed limitations and able to function as claimed. Anderson as modified thus meet the claimed limitations. The argument is thus moot.

With respect to applicant's argument to Cross et al, examiner respectfully points out that Cross et al teach a deeper channel as claimed. Combining Anderson and Cross et al, results in a structure that allow for easy and secured mounting of the glazing panes in the frames. The modification is thus motivated. Also, as pointed out in the rejection and repeated above, Anderson is combined with the teaching shown in Cross et al figure 9, not figure 2. Cross et al figure 9 shows the deeper channel and the shallower opposite channel as claimed. The argument is thus moot.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art shows panel installation.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 571-272-6864. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Phi Dieu Tran A

9/9/06